Commodity	Parts per million
Eggs	0.02
Endive (escarole)	1.0
Goats, fat	0.02
Goats, kidney	0.4
Goats, liver	0.4
Goats, mbyp (except kidney, liver)	0.02
Goats, meat	0.02
Grapes	0.1
Hogs, fat	0.02
Hogs, kidney	0.4
Hogs, liver	0.4
Hogs, mbyp (except kidney, liver)	0.02
Hogs, meat	0.02
Horses, fat	0.02
Horses, kidney	0.4
Horses, liver	0.4
Horses, mbyp (except kidney, liver)	0.02
Horses, meat	0.02
Lettuce	1.0
Milk	0.02
Nongrass animal feeds	10.0
Pears	0.1
Poultry, fat	0.02
Poultry, kidney	0.2
Poultry, liver	0.2
Poultry, mbyp (except kidney, liver)	0.02
Poultry, meat	0.02
Raspberries	0.05
Sheep, fat	0.02
Sheep, kidney	0.4
Sheep, liver	0.4
Sheep, mbyp (except kidney, liver)	0.02
Sheep, meat	0.02
Stone fruits	0.1

(b) Tolerances with regional registrations are established for the combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2 propynyl)benzamide and its metabolites (containing the 3,5 dichlorobenzoyl moiety and calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide) in or on the following raw agricultural commodities:

Commodity	Parts per million
Peas, dried (winter)	0.05
Rhubarb	0.1

[FR Doc. 95–28070 Filed 11–14–95; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Part 372

[OPPTS–400062; FRL–4045–4]

Hydrochloric Acid; Toxic Chemical Release Reporting; Community Right-To-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is granting a petition by proposing to modify the listing for hydrochloric acid on the list of toxic chemicals subject to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). Specifically, EPA proposes to delete non-aerosol forms of hydrochloric acid from the list of toxic chemicals subject to section 313. The proposal to delete non-aerosol forms of hydrochloric acid is based on the Agency's conclusion that releases of non-aerosol forms of hydrochloric acid do not cause adverse effects to human health or the environment under ordinary exposure scenarios, and therefore, do not meet the section 313(d)(2) criteria. This proposed rule does not contain an analysis of aerosol forms of hydrochloric acid because they are not the subject of the petition.

DATES: Written comments must be received by January 16, 1996.

ADDRESSES: Written comments should be submitted in triplicate to: OPPT Docket Clerk, TSCA Nonconfidential Information Center (NCIC), also known as, TSCA Public Docket Office (7407), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Attention: Docket Control Number OPPTS–400062.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number OPPTS–400062. No confidential business information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit VII. of this document.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, 202–260–9592, e-mail: doa.maria@epamail.epa.gov, for specific information on this proposed rule, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1–800–535–0202, in Virginia and Alaska: 703–412–9877 or Toll free TDD: 1–800–553–7672.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

This action is taken under sections 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99–499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (42 U.S.C. 13106). When enacted, section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Hydrochloric acid was included in the initial list of chemicals and chemical categories. Section 313(d) authorizes EPA to add chemicals to or delete chemicals from the list, and sets forth criteria for these actions. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA has added and deleted chemicals from the original statutory list. Pursuant to EPCRA section 313(e)(1), EPA must respond to petitions within 180 days either by initiating a rulemaking or by publishing an explanation of why the petition has been denied.

EPA issued a statement of petition policy and guidance in the Federal Register of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions. On May 23, 1991 (56 FR 23703), EPA issued a statement of policy and guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compound categories. EPA has published a statement clarifying its interpretation of the section 313(d)(2) and (3) criteria for adding and deleting chemicals from the section 313 toxic chemical list (November 30, 1994; 59 FR 61439).

II. Description of Petition and Related Activities

On September 11, 1991, EPA received a petition from BASF Corporation, E.I. du Pont de Nemours, Monsanto Company, and Vulcan Materials

Company to qualify the listing for hydrochloric acid by requiring release reporting only for hydrochloric acid aerosols and deleting other forms of hydrochloric acid from the list of chemicals under EPCRA section 313. The petitioners maintain that non-aerosol forms of hydrochloric acid do not meet the statutory criteria for acute, chronic, or environmental effects. For the purposes of this proposal, EPA considers the term aerosol to cover any generation of airborne hydrochloric acid (including mists, vapors, gas, or fog) without regard to particle size.

On February 1, 1993 (58 FR 6609), EPA published a notice announcing that a public hearing would be held to address petitions to modify the listings for both hydrochloric and sulfuric acids (on December 24, 1990, a petition was received from the Environmental Policy Center on behalf of American Cyanamid to modify the listing of sulfuric acid to include only aerosols). In the February 1, 1993 notice, EPA requested comment on a number of the issues raised by commenters in response to the proposed rule to modify the listing for sulfuric acid (July 26, 1991, 56 FR 34156). The Agency believed that these issues would also apply to hydrochloric acid. Specifically, these issues were: (1) The extent to which EPA should rely on existing regulatory controls under other statutes to support a determination that continuous or frequently recurring releases of these acids are unlikely to cause adverse acute human health effects or significant adverse environmental effects; (2) the sufficiency of the evidence required to determine if the non-aerosol forms of these acids meet the EPCRA section 313(d)(2)(A) and (C) criteria; (3) whether EPA should consider accidental release data in making a finding for environmental effects under EPCRA section 313(d)(2)(C); (4) the relevance of release reporting under other statutory provisions to the issue of whether non-aerosol forms of these acids meet the listing criteria; and (5) other reporting options.

The public meeting was held on March 3, 1993. At this meeting, EPA discussed the specific issues described in the February 1, 1993 notice and presented data on accidental and routine releases of sulfuric and hydrochloric acids. Comments were then presented by the public. Responses to the major issues raised by the comments presented and/or submitted at the public meeting specific to the listing for hydrochloric acid will be addressed at the time final regulation is promulgated. Many of the issues discussed above have been addressed by the Agency in the final rulemaking delisting non-aerosol forms of sulfuric acid (June 30, 1995; 60 FR 34182).

III. EPA's Technical Review of Hydrochloric Acid

EPA's technical review of non-aerosol forms of hydrochloric acid is detailed in the support document for today's proposal (*Technical Support Document for the Petition to Delist Non-aerosol Forms of Hydrochloric Acid from EPCRA Section 313*, Ref. 1). A summary of the chemistry, health, and environmental effects associated with non-aerosol forms of hydrochloric acid follows.

A. Chemistry

Hydrogen chloride is a colorless, corrosive, nonflammable gas, having a characteristic pungent odor. Aqueous hydrochloric acid (also commonly known as muriatic acid) refers to solutions of hydrogen chloride gas in water.

Like all strong acids, hydrogen chloride is virtually completely dissociated in aqueous solutions. It is the hydrogen ion species that is responsible for the acidic characteristics of aqueous hydrochloric acid. Such solutions can be very mild to severe irritants, depending upon concentration.

B. Toxicological Evaluation

Toxicological data on non-aerosol forms of hydrochloric acid were reviewed for evidence indicating acute toxicity, chronic toxicity, carcinogenicity, mutagenicity, reproductive toxicity, developmental toxicity, and environmental effects.

1. *Acute toxicity*. Hydrochloric acid is a strongly acidic, corrosive substance that is acutely toxic to all human tissue. The extent of tissue damage is dependent upon concentration (pH) and duration of exposure, and can range from a mild, transient irritation, to corrosion, chemical burn, and, in extreme and isolated cases, death. Non-aerosol forms of hydrochloric acid pose a significant health hazard only under aberrant conditions of exposure (e.g., deliberate ingestion).

2. *Chronic toxicity*. EPA has not identified any evidence that indicates that chronic exposures to low doses of non-aerosol forms of hydrochloric acid at low concentrations in food or water produces adverse health effects. Chronic exposure to more concentrated forms (lower pH), may affect metabolism, growth, nutritional status, and produce lethality. These effects are dependent upon pH.

3. *Carcinogenicity*. Data available to the Agency are insufficient to classify the carcinogenic potential of hydrochloric acid. The currently available animal bioassays are not sufficient for this purpose, and the available epidemiological evidence is limited. The total weight of evidence is not strong enough to draw a causal conclusion.

4. *Mutagenicity*. The overall weight of evidence suggests that hydrochloric acid is not mutagenic *in vitro*. No *in vivo* mutagenicity studies on hydrochloric acid have been reported.

5. *Reproductive and developmental toxicity*. There is insufficient information to determine whether hydrochloric acid may cause reproductive or developmental effects in humans.

6. *Environmental effects*. The pH range of 6.5 to 9.0 corresponds to the EPA Water Quality Criteria for freshwater organisms. Available data indicate that non-aerosol forms of hydrochloric acid can produce acute effects to freshwater aquatic organisms below pH 5. Chronic exposure of fish to hydrochloric acid resulted in abnormal behavior and deformed fish at pH 4.5 and 5.2, but not at pH 5.9; at pH values less than 5.9, reduction was noted in egg production and egg hatchability.

Hydrochloric acid is not a persistent chemical. In addition, hydrochloric acid, a very hydrophilic and water soluble substance, is not expected to undergo bioconcentration or bioaccumulation.

C. Release and Exposure

In making listing determinations under EPCRA section 313, there are limited circumstances under which it is appropriate for EPA to consider exposure factors (see 59 FR 61440). The Agency believes that exposure considerations are appropriate in making determinations (1) under section 313(d)(2)(A), (2) under section 313(d)(2)(B) for chemicals that exhibit low to moderately low toxicity based on a hazard assessment (i.e., those chemicals for which the value of listing under EPCRA section 313 on hazard alone is marginal), and (3) under section 313(d)(2)(C) for chemicals that are low or moderately ecotoxic or do not induce well-documented serious adverse effects. The Agency believes that exposure considerations are not appropriate in making determinations (1) under section 313(d)(2)(B) for chemicals that exhibit moderately high to high human toxicity based on a hazard assessment and (2) under section 313(d)(2)(C) for chemicals that are highly ecotoxic or induce well-established adverse environmental effects. Based on its most recent

assessment, EPA has preliminarily determined that non-aerosol forms of hydrochloric acid exhibit low chronic human toxicity and moderate environmental toxicity.

The principle pathways for the release of non-aerosol forms of hydrochloric acid to the environment include wastewater discharges, underground injection of dilute solutions, and releases to land.

1. *Releases to water.* Under the Clean Water Act (33 U.S.C. 1251–1387), parameters such as pH may be subject to both technology-based and water quality-based limitations. The technology-based limitations are either derived from nationally applicable effluent guidelines or pre-treatment standards (many of which limit pH to a range of 6.0 to 9.0) or are based on (1) The permit writer's ''Best Professional Judgement'' if there is no applicable guideline for a direct discharge or (2) local pretreatment requirements. Water quality-based limitations generally are established to ensure that applicable water quality standards are attained and maintained. Dischargers are typically subject to monitoring provisions under which permittees are to report discharges of controlled parameters.

2. *Accidental releases to water.* Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; 42 U.S.C. 9601–9675), a release into the environment of hydrochloric acid equaling or exceeding 5,000 pounds within a 24-hour period must be reported to the National Response Center (see 40 CFR part 302). These release reports are entered into the Emergency Response Notification System (ERNS) computer data base maintained by EPA. The Agency believes that although limited to non-coastal regions, the data in ERNS are representative of spills of hydrochloric acid in the United States from nontransportation sources. EPA analyzed all releases of hydrochloric acid reported to ERNS during calendar year 1991 (this analysis is described in Ref. 1). Of the releases reported to ERNS, only three may have potentially resulted in adverse environmental effects, i.e. fish-kills, due to a transient lowering of the pH of the receiving stream. No data were available to confirm such an impact. As these releases of hydrochloric acid resulted in only transient lowering of the pH in the receiving stream, they cannot reasonably be anticipated to have caused chronic ecotoxicity.

In addition to ERNS, EPA analyzed accidental release data from the Accidental Release Information Program (ARIP) and the Acute Hazardous Events Data Base (AHE/DB). Consistent with the ERNS data, the available information present in ARIP and AHE/DB indicate that accidental releases of non-aerosol forms of hydrochloric acid are isolated and infrequent occurrences. Thus, releases of non-aerosol forms of hydrochloric acid are not expected to cause significant adverse ecological effects (a complete discussion of this analysis is provided in Ref. 1).

3. *Underground injection.* In the case of underground injection, regulations promulgated under the Underground Injection Control (UIC) Program of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–26, specify that deep industrial waste disposal must occur in either Class I or Class V wells. The standards, requirements, and the permitting process for the design, operation, monitoring, and closure of Class I wells were designed to prevent contamination of underground sources of drinking water (USDW).

In addition to controls under the SDWA, regulations issued under the Resource Conservation and Recovery Act (RCRA 42 U.S.C. 6901–6992k) at 40 CFR part 148 allow underground injection into a Class I well of aqueous wastes with a pH of 2 or less only if the waste is the subject of a successful ''no migration'' petition. This petition must demonstrate that there will be no migration of hazardous constituents for as long as the waste remains hazardous. The petition must also show that the injected fluid will not migrate within 10,000 years. There is currently no evidence which indicates that underground injection of hydrochloric acid into Class I wells would result in such migration.

Injection of hazardous waste into shallow injection wells is prohibited under RCRA section 3020 and the UIC program of the SDWA (40 CFR 144.13). The disposal of nonhazardous industrial waste, such as treated hydrochloric acid, into shallow injection wells is the subject of the Agency's current Class V rulemaking proceedings (EPA published a proposed rule in the Federal Register of August 28, 1995; 60 FR 44652). In the interim, such wells are still subject to the prohibition in section 1422 of the SDWA against any injection which may endanger a drinking water source, as defined in section 1421(d)(2).

4. *Releases to land.* Total on-site land releases of hydrochloric acid reported to the Toxics Release Inventory in 1993 were 359,506 pounds, or 0.16 percent of total on-site releases. Of the off-site transfers of hydrochloric acid sent from facilities reporting greater than 100,000 pounds sent off-site (which accounts for 90 percent of all off-site transfers of hydrochloric acid), 2.3 percent was released to land off-site. Regulations promulgated under RCRA at 40 CFR 261.22 provide that aqueous wastes that exhibit a pH of less than or equal to 2 are hazardous wastes. Land disposal of such wastes may take place only after pH adjustment above 2 or a successful ''no migration'' petition. Hydrochloric acid at a pH above 2 is not considered a hazardous waste under RCRA. Thus, land disposal of hydrochloric acid at a pH above 2 is not regulated under RCRA at 40 CFR 261.22. There is no available national information on releases of hydrochloric acid to land at pHs greater than 2.

C. Summary of Technical Review

Non-aerosol forms of hydrochloric acid are acutely toxic to human tissue, producing effects ranging from irritation to corrosion to risk of early death. The extent of damage, however, is dependent upon concentration and duration of exposure. EPA's analysis of releases of non-aerosol forms of hydrochloric acid indicate that releases will not result in levels of concern.

The effects produced by chronic exposure to non-aerosol forms of hydrochloric acid are highly dependent on concentration and duration of exposure. Non-aerosol forms of hydrochloric acid cause adverse effects only at relatively high dose levels. EPA's analysis of releases of non-aerosol forms of hydrochloric acid indicate that releases will not result in concentrations of concern.

The data indicate that accidental releases of hydrochloric acid to surface waters are infrequent and isolated occurrences. In only a few circumstances could evidence of adverse environmental effects (e.g., fish kills) be found.

IV. Rationale for Proposed Modification of the Hydrochloric Acid Listing

EPA's decision to propose deletion of non-aerosol forms of hydrochloric acid is based on the Agency's evaluation of the toxicity of non-aerosol forms of hydrochloric acid and the levels of non-aerosol forms of hydrochloric acid exposure to which humans and the environment may be subject.

EPA believes that non-aerosol forms of hydrochloric acid do not meet the statutory criteria of section 313(d)(2)(A) regarding acute human health effects; specifically, that the ''chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or

frequently recurring, releases.'' Hydrochloric acid's toxic properties are dependent upon concentration (i.e., pH level) and duration of exposure. Only under aberrant conditions of exposure (e.g., spills onto the skin) do concentrated solutions of hydrochloric acid pose a potentially serious acute health hazard. EPA's review of the toxicity and exposure information indicates that although hydrochloric acid is acutely toxic at low pH levels, it is unlikely that persons will be exposed to acutely toxic concentration levels ''beyond facility site boundaries as a result of continuous or frequently recurring releases.''

EPA also believes that non-aerosol forms of hydrochloric acid do not meet the criteria of section 313(d)(2)(B) regarding chronic human health effects; specifically, that the ''chemical is known to cause or can reasonably be anticipated to cause in humans'' certain chronic health effects (see Unit III.B. of this proposal).

EPA believes that non-aerosol forms of hydrochloric acid do not meet the section 313(d)(2)(C) criteria regarding adverse environmental effects. Although accidental releases of concentrated hydrochloric acid solutions to surface waters may result in acute ecotoxic effects, such as fish-kills, the available information indicates that accidental releases of hydrochloric acid to surface waters are isolated and infrequent occurrences. As such, the Agency believes that the limited number of accidental releases of non-aerosol forms of hydrochloric acid do not result in significant acute adverse effects on the environment of sufficient seriousness to warrant continued listing under EPCRA section 313. In addition, EPA believes that accidental releases of non-aerosol forms of hydrochloric acid cannot reasonably be anticipated to induce chronic ecotoxicity because pH excursions are expected to dissipate rapidly due to the chemical's high solubility in water. Therefore, the Agency believes that non-aerosol forms of hydrochloric acid do not meet the listing criteria of EPCRA section 313(d)(2)(C).

EPA proposes to modify the listing under EPCRA section 313 for hydrochloric acid by deleting non-aerosol forms of hydrochloric acid. EPA's proposal to delete non-aerosol forms of hydrochloric acid from the section 313 list is not meant to suggest that the Agency considers non-aerosol hydrochloric acid to be a ''safe'' chemical. Rather, this proposed action reflects the fact that non-aerosol forms of the chemical do not meet the criteria set forth in EPCRA section 313(d)(2).

Currently, most facilities base their threshold determinations for reporting under section 313 on the amounts of hydrochloric acid in solution form manufactured, processed, or otherwise used. If this proposal were adopted, for purposes of threshold determinations of hydrochloric acid aerosols for reporting under section 313, a facility would consider any generation of airborne hydrochloric acid (including mists, vapors, gas, or fog) without regard to particle size as manufacture. The quantity of airborne hydrochloric acid manufactured or processed, not the amount released, would be compared with the 25,000 pound threshold. Any otherwise use of aerosol forms of hydrochloric acid must also be applied towards the 10,000 pound threshold. Generation of aerosol forms of hydrochloric acid is expected to occur from, among other processes, the production or processing of solutions of hydrochloric acid. However, generation of aerosol forms of hydrochloric acid from other processes must also be considered.

Although not a factor in the delisting decision, deleting non-aerosol forms of hydrochloric acid from the section 313 list will not result in any significant reduction in the information now available to the public concerning spills of hydrochloric acid. Since reporting of spills under section 313 is only required to be submitted to EPA as part of an overall annual release number, no direct and immediate notice to the public of such an accidental release or spill of hydrochloric acid is available through section 313 reports or through the TRI data base, i.e., only annual release figures are available.

However, other statutory mechanisms exist by which information on spills of hydrochloric acid are made available to the public. For example, hydrochloric acid is listed as a hazardous substance under CERCLA, 40 CFR 302.4. CERCLA section 103 requires that the person in charge of a facility or vessel immediately report a release of 5,000 pounds or more of hydrochloric acid (other than a federally permitted release) to the National Response Center. There is a reduced reporting requirement for releases determined to be ''continuous and stable in quantity and rate'' (40 CFR 302.8). Releases of 5,000 pounds or more also must be reported to State and local authorities under EPCRA section 304. EPCRA section 304 requires the owner or operator of a facility to immediately report to the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC) when there is a release of a CERCLA hazardous substance requiring a report under CERCLA section 103(a) or when there is a release of 1 pound or more of a non-CERCLA Extremely Hazardous Substance (EHS) listed under EPCRA section 302(a). However, section 304 does not apply ''. . . to any release which results in exposure to persons solely within the site or sites on which a facility is located'' (EPCRA section 304(a)(4)).

In addition, data on the presence of hydrochloric acid for emergency planning purposes are already being collected at the local level. Under sections 311 and 312 of EPCRA, facilities are required to submit lists and inventories of chemicals on-site to LEPCs to help them plan for emergencies and inform the public about the types and amounts of chemicals being handled in their communities.

V. Precedents for Modified Listings

A. Background

There are precedents for qualified chemical listings under EPCRA section 313. The original list established by Congress contained a number of qualified listings including: aluminum (fume or dust), ammonium nitrate (solution), asbestos (friable), yellow or white phosphorus, vanadium (fume or dust), and zinc (fume or dust). Also, EPA recently qualified the aluminum oxide listing by exempting non-fibrous forms of aluminum oxide from the reporting requirements so that only fibrous aluminum oxide is subject to reporting (40 CFR part 372). EPA found that there was no evidence that non-fibrous forms of aluminum oxide cause adverse human health or environmental effects as specified under section 313. The decision to retain fibrous forms of aluminum oxide was based on evidence that exposure to fibrous forms of this chemical can reasonably be anticipated to cause cancer in humans. In addition, EPA recently added a category, water dissociable nitrate compounds, to the EPCRA section 313 list (59 FR 61460) with a qualifier that limits reporting to aqueous solutions. The Agency had originally proposed (59 FR 1825) to list nitrate ion; however, many commenters argued that what the Agency actually proposed was a category of nitrate compounds that dissociate in water. EPA agreed with the commenters and used the qualified category in the final listing. This category indicates that only water dissociable nitrate compounds that are manufactured, processed, or otherwise used as an aqueous solution at a facility are subject to reporting.

B. Effect of Modifying Toxic Release Inventory (TRI) Reporting of Hydrochloric Acid

If the hydrochloric acid listing is qualified to require reporting for only hydrochloric acid aerosols, then facilities would determine their reporting threshold based on how many pounds of hydrochloric acid aerosols they manufactured, processed, or otherwise used during the calendar year.

In 1992, 3,281 facilities reported a total of 77.1 million pounds of hydrochloric acid released to air. EPA estimates that the total number of reports (Form Rs and certification statements) submitted after the modification will be between 333 and 1,514 and that the total amount of releases to air will be between 73.6 and 76.8 million pounds (Ref. 1). Therefore, modifying the list to cover only hydrochloric acid aerosols is not expected to result in any appreciable loss of information on releases of hydrochloric acid to air since, at a minimum, it is estimated that 95.5 percent of the total air emissions reported for 1992 would still be captured.

VI. Request for Public Comment

EPA requests general comments on this proposal to delete non-aerosol forms of hydrochloric acid from the list of toxic chemicals under EPCRA section 313. Comments should be submitted to the address listed under the **ADDRESSES** unit at the front of this document. All comments must be received by January 16, 1996.

VII. Rulemaking Record

A record, that includes the reference in Unit VIII. below, has been established for this rulemaking under docket number OPPTS–400062 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of any special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

VIII. References

USEPA. 1995. Technical Support Document for the Petition to Delist Non-aerosol Forms of Hydrochloric Acid from EPCRA Section 313.

IX. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Pursuant to the terms of this Executive Order, it has been determined that this proposed rule is not ''significant'' and therefore not subject to OMB review.

The cost savings to industry from the modification of the hydrochloric acid listing is estimated to be between $4.9 and $7.6 million per year. The cost savings to EPA is estimated at $135,000 to $201,000 per year. The lower bound estimate of the total annual savings for industry and EPA from the partial delisting of hydrochloric acid is $5,035,000. The upper bound estimate is $7,801,000 in savings annually.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities would be significantly affected by the proposed rule. Because this proposed rule eliminates an existing requirement, it would result in cost savings to facilities, including small entities.

C. Paperwork Reduction Act

This proposed rule does not have any information collection requirements subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

D. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this regulatory action on State, local or tribal governments, and the private sector. This action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector. The costs associated with this action are described in the Executive Order 12866 unit above.

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: November 3, 1995.

Lynn R. Goldman,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 372 be amended as follows:

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

§ 372.65 [Amended]

2. Sections 372.65(a) and (b) are amended by changing the entry for hydrochloric acid to read ''Hydrochloric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)'' under paragraph (a) and under paragraph (b) for CAS number entry 7647–01–0.

[FR Doc. 95–28183 Filed 11–14–95; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 10, 13 and 17

RIN 1018–AC57

Fish and Wildlife Service, General Provisions and General Permit Procedures

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule notice of reopening of comment period.

SUMMARY: On September 5, 1995 regulations providing for uniform rules and procedures for general permit procedures, as published in the Federal Register (60 FR 46087) the Fish and Wildlife Service (Service) published a proposed rule to amend regulations providing for general permit procedures. The Service hereby provides notice that the comment period on the proposal is